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EXAMINER

CHUNG, C

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2764

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Please find below and/or attached an Office communication concerning this application or  
proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/038,158

Applicant(s)  
Wallman

Examiner  
Chang Y. Chung

Group Art Unit  
2764



☒ Responsive to communication(s) filed on Mar 11, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-49 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-49 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Mar 11, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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### **DETAILED ACTION**

1. Claims 1-49 have been examined.

#### ***Drawings***

2. The drawings are objected to for the reasons set forth in PTO 948.
3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

#### ***Claim Objections***

4. Claim 39 is objected to because of the following informalities: there is a typo on line 2 of the claim: “. . . at a time certain.” should be changed to “. . .at a certain time.”. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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6. Claims 1-3, 8, 9, 36, 37, 42, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Champion et al (US 5,126,936).

As per claim 1, Champion et al discloses a system for enabling a plurality of users to create, manage and trade a portfolio of assets/liabilities (column 3, lines 34-40) via a first plurality of communication links, one to each of the plurality of users (column 5, lines 25-28), over which each of the plurality of users transmits to the system trading data regarding trades to a plurality of assets/liabilities that each of the plurality of users desires to make (column 5, lines 40-53), the system comprising:

a processor communicating with the plurality of users via the first plurality of communication links (column 5, lines 25-28, lines 40-44), the processor receiving user identification information and trading data from each of the plurality of users (column 7, lines 32-37), the processor aggregating all buy orders and all sell orders for each asset/liability of the plurality of assets/liabilities included in the trading data from each of the plurality of users to obtain a single buy order and a single sell order for each asset/liability of the plurality of assets/liabilities represented in the trading data received from each of the plurality of users (column 5, lines 8-15, lines 47-57), and the processor transmitting the single buy order and the single sell order to a third party for execution (column 5, lines 8-11); and

a storage being coupled to the processor and storing the trading data from each of the plurality of users (column 5, lines 64-68, column 6, lines 1-8).

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As per claim 2, Champion et al discloses the processor creating a percentage allocation of investment classes for each user based on allocation model input from the user and transmits a resulting percentage allocation of investment classes to each user (column 4, lines 6-21).

As per claim 3, Champion et al discloses processor interacting with each user to determine a user portfolio that corresponds to the percentage allocation of investment classes for the user (column 5, lines 7-11, lines 40-48).

As per claim 8, Champion et al discloses a communication link to a third party trading system via which the processor transmits the single buy order and the single sell order for each of the plurality of assets/liabilities represented in the trading data from each of the plurality of users (column 5, lines 8-15).

As per claim 9, Champion et al discloses prompting the user for user identification information and user preferences (column 7, lines 32-37), transmitting the user identification information and user preferences (column 5, lines 25-27), and enabling the user to interact with the processor to select a plurality of assets/liabilities to create a user portfolio commensurate with the percentage allocation of investment assets (column 5, lines 40-52). Champion et al does not explicitly teach a user program executing on a user's personal computer that performs said prompting, transmitting, and enabling of interaction. However, such user program is deemed to be inherent in Champion et al's system of interactive data entry through personal computer (column 5, lines 26-27). The process of receiving information and transmitting them would be

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impossible without a user program that enables Champion et al's personal computer to perform such tasks.

As per claim 36, Champion et al discloses a method for creating and managing a portfolio of assets or liabilities by performing a plurality of transactions (abstract), comprising the steps of:

obtaining a plurality of user preferences for a plurality of portfolio characteristics of a user (column 5, lines 40-47);

employing the plurality of portfolio characteristics to describe and select a plurality of assets or liabilities to be transacted in a plurality of transactions by a user (column 5, lines 40-52); and

aggregating the plurality of transactions of a single user with a plurality of transactions of a plurality of others over an applicable characteristic of the plurality of assets or liabilities (column 5, lines 8-15, lines 47-57).

As per claim 37, Champion et al discloses plurality of transactions that are aggregated over a time period (column 8, lines 2-5).

As per claim 42, Champion et al discloses executing the plurality of transactions as aggregated (column 5, lines 8-15).

As per claim 43, Champion et al discloses netting the plurality of transactions against the plurality of transactions of the plurality of other users after aggregating the plurality of transactions, and then executing any remaining transactions after netting (column 5, lines 8-15, lines 47-57).

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***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-7, 10-35, 38-41, and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champion et al.

As per claim 4, Champion et al discloses electronic mechanism being coupled to the processor and for coupling to a third party electronic system (column 4, lines 66-68, column 5, lines 1-6, figure 1E, item 1). Champion et al does not explicitly teach transmitting a request for an electronic payment for each of the plurality of users to the third party payment system, and receiving electronic payment data for each of the plurality of users electronically from the third party payment system. However, official notice is taken that electronic payment mechanism for transmitting and receiving electronic payment data is old and well known in the art of financial services. Electronic payment system and transmitting payment information in response to payment request is commonplace in electronic payment options in Internet banks and brokerages. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use electronic payment system because this would allow faster and convenient exchange of payment.

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As per claim 5, Champion et al does not explicitly teach electronic payment mechanism maintaining a plurality of payment accounts, one for each of the plurality of users. However, official notice is taken that electronic payment mechanism maintaining a plurality of payment accounts is old and well known in the art of financial services. Internet bank payment systems maintain plurality of payment accounts, one for each of the plurality of users. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to maintain a plurality of payment accounts because this would allow separate accounts for different users.

As per claim 6, Champion et al discloses user account opening with an initial deposit. Champion et al does not explicitly teach permitting trading of the assets/liabilities for a particular user if the particular user's payment account contains a predetermined amount. However, official notice is taken that permitting trading of assets/liabilities if user's account contains a predetermined amount is old and well known in the art of brokerage services. Many brokerage service accounts permit trading if the user's account contains a predetermined amount. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to permit trading of the assets/liabilities for a particular user if the particular user's account contains a predetermined amount because this would allow limitations on appropriate size of accounts to be set.

As per claim 7, Champion et al does not explicitly teach storage storing electronic payment data for each users, and the plurality of payment accounts for the plurality of users. However, official notice is taken that storage storing electronic payment data for each users, and



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the plurality of payment accounts for the plurality of users is old and well known in the art of financial services. Many financial services company with computer capabilities store electronic payment data and payment account for plurality of users in a storage coupled to electronic payment mechanism. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have storage that store electronic payment data for each users and the plurality of payment accounts for the plurality of users because this would allow important data to be kept.

As per claim 10, Champion et al discloses displaying a risk and a differential return of the entire user portfolio relative to a standard industry measurement to the user (column 4, lines 11-13, lines 46-51, column 5, lines 3-7). Champion et al does not explicitly teach graphical user interface displaying information to the user. However, official notice is taken that graphical user interface is old and well known in the art of computers. Graphical user interface is often used in displaying analytical graphs of financial information on the Internet. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use graphical user interface because this would allow easy to use interface.

As per claim 11, Champion et al discloses enabling the user to adjust the percentage allocation of investment assets and the user portfolio (column 5, lines 40-52, column 8, lines 2-5).

As per claim 12, Champion et al discloses communicating user identification information along with any trades of assets/liabilities to be executed to create or modify a user's portfolio to

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ensure a user's actual portfolio matches a user's desired portfolio (column 7, lines 32-37, column 5, lines 40-52).

As per claim 13, Champion et al does not explicitly teach system storing user program in the storage and upon request by a new user transmitting the program to the user. However, official notice is taken that storing user program and transmitting the program to the user is old and well known in the art of computer programs. Storage and transmission of user programs to new users is common practice in business conducted on the Internet. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have system storing user program and transmitting user program to the new user because this would allow new user to operate the user program.

As per claim 14, Champion et al does not explicitly teach electronic payment mechanism electronically requesting periodic payments from the third party payment system for each users. However, official notice is taken that electronically requesting periodic payments from a third party is old and well known in the art of financial services. Direct withdrawal and direct deposit is an example of such periodic payment process. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have electronic payment mechanism electronically requesting periodic payments from the third party payment system for each users because this would allow periodic payments that are fast and convenient.

As per claim 15, Champion et al does not explicitly teach periodic payment that comprises monthly payment. However, official notice is taken that monthly payment is old and

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well known in the art of period payment. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have monthly payment because this would allow a common interval of payment to be used as periodic payment process.

As per claim 16, Champion et la does not explicitly teach trading data that includes fractional share for at least one of the assets/liabilities desired. However, official notice is taken that trading of fractional share is old and well known in the art of equity trading. DRIP is one such system of trading fractional shares. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have trading data that includes fractional shares because this would allow more versatile amounts of shares to be traded.

As per claim 17, Champion et al discloses maintaining tax basis for assets/liabilities traded by the user (column 8, lines 32-41). Champion et al does not explicitly teach program maintaining such tax basis for all assets/liabilities. However, Champion et al's disclosure of determining tax basis suggests a program maintaining tax basis for all assets/liabilities. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have a program that maintain tax basis because this would allow efficient and convenient calculation of tax basis.

As per claim 18, Champion et al does not explicitly teach user program providing information to the user regarding voting rights of the assets/liabilities held by the user. However, official notice is taken that providing information to the user regarding voting rights is old and well known in the art of assets/liabilities trading. It would have been obvious to one of ordinary

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skill in the art at the time of applicant's invention to integrate information regarding voting rights into a program because this would allow educational tool for the user.

As per claim 19, Champion et al discloses receiving actual trading pricing information regarding buy order and sell order for each of the plurality of assets/liabilities included in the trading data from a third party trading system via communication link (column 10, lines 50-53).

As per claim 20, Champion et al discloses transmitting actual trading pricing information regarding each asset/liability traded by a particular user to the particular user (column 10, lines 50-55).

As per claim 21, Champion et al discloses updating the user account (column 10, lines 18-20). Champion et al does not explicitly teach user program modifying the display of the risk and differential return of the entire portfolio in accordance with the actual trading pricing information regarding each asset/liability traded by the user. However, official notice is taken that modifying a display of analysis in accordance with new information is old and well known in the art of analytical software. One simple example of program that modifies display of risk and differential return in accordance with new information entered is a spreadsheet program with appropriate information entered in appropriate cells. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modification of display of the risk and differential return in accordance with the actual trading pricing information because this would allow updates of important information.

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As per claim 22, Champion et al discloses program recommending modification to the user portfolio to the user to make the user portfolio match the percentage allocation previously determined if the user portfolio no longer matches the percentage allocation (column 5, lines 40-52). Champion et al does not explicitly teach such modification in response to actual trading pricing information. However, official notice is taken that modification in response to new information is old and well known in the art of financial analysis. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify in response to actual trading pricing information because this would allow action to be taken in response to new information.

As per claim 23, Champion et al does not explicitly teach communication link including link to the Internet. However, Champion et al does disclose use of modem (figure 2), suggesting Internet. Official notice is taken that financial services with communication link to the Internet is old and well known in the art of financial services. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have link to the Internet because this would allow convenient and versatile exchange of information.

As per claim 24, Champion et al does not explicitly teach graphical user interface displayed on a predetermined world wide web site via which new user can provide user identification information to the system. However, official notice is taken that WWW site via which new user can provide user identification information to the system is old and well known in the art of Internet and financial services. It would have been obvious to one of ordinary skill

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in the art at the time of applicant's invention to have a predetermined WWW site via which new user can provide user identification information because this would provide convenient site of input.

As per claim 25, Champion et al does not explicitly teach accessing new user with user identification to obtain payment information from the new user. However, official notice is taken that obtaining payment information from a new user is old and well known in the art of financial services and commerce. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have accessing of new user to obtain payment information from the new user because this would allow appropriate collection of crucial information from a new user.

As per claim 26, Champion et al discloses link comprising direct dial telephone connection (column 5, lines 26-28).

As per claim 27, Champion et al does not explicitly teach direct dial-up telephone connection initiated by one of plurality of users. However, official notice is taken that direct dial-up telephone connection initiated by one of plurality of users is old and well known in the art of Internet connection. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have direct dial-up telephone connection initiated by one of plurality of users because this would allow choices to users.

As per claim 28, Champion et al does not explicitly teach first communication link including a direct dial-up telephone connection to an intermediary server, which direct dial-up

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connection is initiated by one of the plurality of users, and a network connection from the intermediary server to the processor initiated by the intermediary server. However, official notice is taken that first communication link including a direct dial-up telephone connection to an intermediary server, which direct dial-up connection is initiated by one of the plurality of users, and a network connection from the intermediary server to the processor initiated by the intermediary server is old and well known in the art of Internet. Many users initiate a direct dial-up telephone connection to an Internet service provider (intermediary server) which has network connection to another computer (processor). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have first communication link including a direct dial-up telephone connection to an intermediary server, which direct dial-up connection is initiated by one of the plurality of users, and a network connection from the intermediary server to the processor initiated by the intermediary server because this would allow standard method of connecting to the internet via dial-up connection to be utilized.

As per claim 29, Champion et al does not explicitly teach first communication link including a direct dial-up telephone connection to an intermediary server, which direct dial-up connection is initiated by one of the plurality of users, and a direct dial-up connection from the intermediary server to the processor initiated by the intermediary server. However, official notice is taken that first communication link including a direct dial-up telephone connection to an intermediary server, which direct dial-up connection is initiated by one of the plurality of users, and a direct dial-up connection from the intermediary server to the processor initiated by the

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intermediary server is old and well known in the art of Internet. Many users initiate a direct dial-up telephone connection to an Internet service provider (intermediary server) which has connection to another computer (processor). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have first communication link including a direct dial-up telephone connection to an intermediary server, which direct dial-up connection is initiated by one of the plurality of users, and a direct dial-up connection from the intermediary server to the processor initiated by the intermediary server because this would allow standard method of connecting to the internet via dial-up connection to be utilized.

As per claim 30, Champion et al discloses a personal computer based system (column 5, lines 25-27) for enabling a user to create, manage, and trade a portfolio of assets/liabilities and for interfacing with a system for managing a plurality of such users via a communication link over which the user transmits to the system trading data regarding trades of at least one asset/liability that the user desires to make (abstract), comprising:

process for prompting the user for user identification information and user preferences (column 7, lines 32-37);

process for enabling the user to interact with the processor to select a plurality of assets/liabilities to create a user portfolio commensurate with the percentage allocation of investment assets (column 5, lines 40-52);



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process for calculating risk and a differential return of the entire user portfolio relative to a standard industry measurement to the user (column 4, lines 11-13, lines 46-51, column 5, lines 3-7);

a portfolio editor process enabling the user to adjust the user portfolio (column 8, lines 2-5); and

communication process communicating user identification information along with any trades of assets/liabilities to be executed to create or modify a user's portfolio to ensure a user's actual portfolio matches a user's desired portfolio (column 7, lines 32-37, column 5, lines 40-52).

Champion et al does not explicitly teach graphical user interface displaying information to the user. However, official notice is taken that graphical user interface is old and well known in the art of computers. Graphical user interface is often used in displaying analytical graphs of financial information on the Internet. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use graphical user interface because this would allow easy to use interface.

Champion et al does not explicitly teach a user program executing on a user's personal computer that performs said prompting, transmitting, and enabling of interaction. However, such user program is deemed to be inherent in Champion et al's system of interactive data entry through personal computer (column 5, lines 26-27). The process of receiving information and transmitting them would be impossible without a user program that enables Champion et al's personal computer to perform such tasks.

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As per claims 31, 33, and 34 Champion et al does not explicitly teach displaying relative risk and differential return as a color code, arrow on a dial, or arrow on a range of numerical values. However, official notice is taken that color code, arrow on a dial, and arrow on a range of numerical values is old and well known in the art of analytical display. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to display analysis as color code, arrow on a dial, or arrow on a range of numerical values because this would provide easy to notice and easy to understand expression of data.

As per claim 32, Champion et al discloses displaying relative risk and differential return as a numerical indicator (column 4, lines 16-21).

As per claim 35, Champion et al does not explicitly teach configuration control process that provides a version number of the program to the system in response to a request from the system, wherein the system downloads an updated version of the user program upon detection of an out of date version. Official notice is taken that configuration control process that provides a version number of the program to the system in response to a request from the system, wherein the system downloads an updated version of the user program upon detection of an out of date version is old and well known in the art of software. Common example of such process is Web browser plug-in programs, such as Macromedia Shockwave or Flash. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have configuration control process that provides a version number of the program to the system in response to a request from the system, wherein the system downloads an updated version of the

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user program upon detection of an out of date version because this would allow the users to have the most up to date versions of the program.

As per claim 38, Champion et al does not explicitly teach time period that includes every three hours. However, official notice is taken that time period that is taken at regular interval is old and well known in the art of aggregated trading. One example of such aggregated trading is ITG-Posit, as admitted by the applicant. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have time period that includes every three hours because this would allow an arbitrary time period to be utilized in aggregate trading.

As per claim 39, Champion et al does not explicitly teach transaction that are aggregated once per day at a certain time. However, official notice is taken that transaction that are aggregated once per day at a certain time is old and well known in the art of aggregated trading. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have transaction that are aggregated once per day at a certain time because this would allow lower transaction fee than multiple transactions per day.

As per claim 40, Champion et al does not explicitly teach transaction that are aggregated plurality of times per day at a plurality of predetermined times. However, official notice is taken that transaction that are aggregated plurality of times per day at a plurality of predetermined times is old and well known in the art of aggregated trading. One example of such aggregated trading is ITG-Posit, as admitted by the applicant. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have transaction that are aggregated plurality of

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times per day at a plurality of predetermined times because this would allow more fast transaction time with low transaction fee.

As per claim 41, Champion et al does not explicitly teach transaction that are aggregated over an amount of transaction. However, official notice is taken that transaction that are aggregated once per day over an amount of transaction is old and well known in the art of trading. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have transaction that are aggregated over an amount of transaction because this would allow limit on appropriate size of trade.

As per claim 44, Champion et al discloses an apparatus for enabling a plurality of users to make investments in a portfolio of securities (column 3, lines 30-38) comprising:

- a processor receiving data from each of the plurality of users (column 5, lines 40-52);

- a storage unit storing each user's portfolio (column 5, lines 64-68, column 6, lines 1-9).

Champion et al does not explicitly teach processor receiving data regarding amounts of money to be invested in each user's portfolio, and accessing an electronic payment system upon receiving instructions from a user to purchase securities to obtain payment for the required purchase. However, official notice is taken that receiving data regarding amounts of money to be invested in the user's portfolio is old and well known in the art of financial services. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to receive data regarding amounts of money to be invested in the user's portfolio because this would allow appropriate amounts of money to be invested in the user's portfolio. Further, official notice is

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taken that accessing an electronic payment system upon receiving instructions from a user to purchase securities to obtain payment for the required purchase is old and well known in the art of financial brokerage services. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have process of accessing an electronic payment system upon receiving instructions from a user to purchase securities to obtain payment for the required purchase because this would allow securities to be promptly paid for.

As per claim 45, Champion et al discloses a third party trading system that interface device aggregating all user's trades and sending the aggregated trades as a single trade in each security to a third party trading system (column 5, lines 7-15, lines 52-57).

As per claim 46, Champion et al discloses device netting the buy orders against the sell orders before sending the aggregated trades to the third party trading system (column 5, lines 7-15, lines 52-57).

As per claim 47, Champion et al discloses a method for enabling a plurality of users to make investments in a portfolio of securities (column 3, lines 30-38) comprising:

receiving data from each of the plurality of users (column 5, lines 40-52);

storing each user's portfolio (column 5, lines 64-68, column 6, lines 1-9).

Champion et al does not explicitly teach receiving data regarding amounts of money to be invested in each user's portfolio, and accessing an electronic payment system upon receiving instructions from a user to purchase securities to obtain payment for the required purchase.

However, official notice is taken that receiving data regarding amounts of money to be invested

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in the user's portfolio is old and well known in the art of financial services. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to receive data regarding amounts of money to be invested in the user's portfolio because this would allow appropriate amounts of money to be invested in the user's portfolio. Further, official notice is taken that accessing an electronic payment system upon receiving instructions from a user to purchase securities to obtain payment for the required purchase is old and well known in the art of financial brokerage services. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have process of accessing an electronic payment system upon receiving instructions from a user to purchase securities to obtain payment for the required purchase because this would allow securities to be promptly paid for.

As per claim 48, Champion et al discloses a third party trading system that interface device aggregating all user's trades and sending the aggregated trades as a single trade in each security to a third party trading system (column 5, lines 7-15, lines 52-57).

As per claim 49, Champion et al discloses device netting the buy orders against the sell orders before sending the aggregated trades to the third party trading system (column 5, lines 7-15, lines 52-57).

### ***Double Patenting***

9. Claims 1-49 of this application conflict with claims 1-17, 20-32, 45, 47, 49, 51, 53, 55, 64-71, 79-81, and 92-94 of Application No. 09/139,020. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such

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claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ferstenberg et al (US 5,873,071) discloses computer method and system for intermediated exchange of commodities. Lupien (US 5,689,652) discloses crossing network utilizing optimal mutual satisfaction density profile. McClelland et al (US 5,689,650) discloses community reinvestment act network. [www.itginc.com/products/posit\\_more.html](http://www.itginc.com/products/posit_more.html) discloses how Posit works. J.Z. (Money, April 1997, Vol 26, Issue 4, p 82) discloses how to save money when you trade your Nasdaq stocks. Business Wire (2/29, 2000) discloses order aggregation in bond market.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chang Y. Chung whose telephone number is (703) 308-6280. The examiner can normally be reached on Monday-Thursday from 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703) 305-9768.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

or:


(703) 308-5397 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
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June 8, 2000

  
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